



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202-_____

May 1990

SUMMARY: This letter provides the 1990-91 procedures for confirming the eligibility of noncitizen applicants for Title IV student financial assistance. It supplements and updates the procedures that were contained in Letter GEN-89-13.

FEDERAL STUDENT FINANCIAL AID HANDBOOK REFERENCE: Please refer to Chapter 2, Section One, Appendix A of the 1990-91 Handbook for further information.

GEN-90-19

Dear Colleague:

The purpose of this letter is to provide you with supplementary information and updated procedures with regard to confirming noncitizen status for Title IV student financial assistance applicants for the 1990-91 award year. Please continue to refer to Letter GEN-89-13 in conjunction with this letter for information regarding the noncitizen confirmation process.

This letter contains:

- o Updates on Primary and Secondary Confirmation, including new Student Aid Report (SAR) comments.
- o New institutional requirements resulting from passage of the Computer Matching and Privacy Protection Act of 1988 (CMPPA).
- o Additional instructions on using and interpreting the Immigration and Naturalization Service's (INS's) Form G-845.
- o Interpretations of the new I-688B and I-766 documents.

Primary Confirmation was suspended on December 31, 1989 to allow the Department and the INS to complete requirements for bringing the computer matching program into compliance with the CMPPA. During this period of suspension, all noncitizen applicant Student Aid Reports contained comment (4), which is described on page 4 of this letter. The computer matching program resumed operation on April 18, 1990.

Primary Confirmation

Placed into operation in January 1989, Primary Confirmation is a term referring to a computer match of noncitizen application information with the INS's Alien Status Verification Index data base. When an Application for Federal Student Aid or a Multiple Data Entry application is received by the Central Processing System (CPS) contractor, identifying information is transferred electronically to the INS computer facility. The CPS contractor notifies institutions of the results of the match by printing the appropriate comment on the SAR.

No operational changes are contemplated for the Primary Confirmation process for the 1990-91 award year. When the Primary Confirmation process confirms that an applicant is in an immigration status that makes him or her an eligible noncitizen, the following message will be printed under "Documentation Requirements" on Part 1 of the SAR:

- (1) "Your citizenship status has been confirmed by the Immigration and Naturalization Service and you meet the citizenship requirements for Federal student financial aid."

If this comment appears on an applicant's SAR, the applicant's institution is not required to collect any further information to document eligible noncitizen status. We estimate that approximately 80% of noncitizen applicants can be confirmed as eligible noncitizens using Primary Confirmation.

Of course, Primary Confirmation is not available to institutions whose students do not use the Application for Federal Student Aid or a Multiple Data Entry application. These institutions must continue, as they have in the past, to review all noncitizen applicants' immigration documents prior to determining eligibility. A process called Secondary Confirmation is available to these institutions to assist them in making this determination.

Secondary Confirmation

If an applicant's eligible noncitizen status is not confirmed by primary confirmation, the institution may, if it desires, institute Secondary Confirmation to assist it in determining whether an applicant is an eligible noncitizen. Use of Secondary Confirmation will continue to be optional for the 1990-91 award year, although the Department considers the Secondary Confirmation process to be a valuable aid in determining noncitizen eligibility and recommends that it be used for this purpose. If the institution elects not to use Secondary

Confirmation, it must make its noncitizen eligibility determination by reviewing immigration documents without INS assistance, as it has done in the past.

Secondary Confirmation may be initiated by completing INS Form G-845, attaching copies of the front and back sides of the applicant's immigration status documents, and forwarding the package to the INS District Office serving the institution's location. After examining the documents, the INS status identifier provides immigration status and authenticity information on the Form G-845 and returns it to the institution within ten days of receipt by INS. Using the completed G-845 along with information in Letter GEN 89-13 and this letter, the institution will usually be able to determine whether the applicant is an eligible noncitizen. A revised Form G-845 is attached to this letter and INS District Office locations are available in Letter GEN 89-13.

In order to comply with new requirements mandated by the CMPPA, two of the comments which may appear on the SAR have been revised for 1990-91:

- (2) "The Immigration and Naturalization Service did not confirm your statement that you are an eligible noncitizen. To prove your noncitizen eligibility, you must submit documents to the school within 30 days after you give this SAR to the school. If you fail to submit documents within 30 days, you may be found ineligible for Federal student financial assistance."

This message is used if the information necessary to perform Primary Confirmation is available, but the information does not match with that in the INS' Alien Status Verification Index data base.

- (3) "The Immigration and Naturalization Service could not confirm your statement that you are an eligible noncitizen. To prove your noncitizen eligibility, you must submit documents to the school within 30 days after you give this SAR to your school. If you fail to submit documents within 30 days, you may be found ineligible for Federal student financial assistance."

This message is used if the information necessary to perform Primary Confirmation is either illegible or blank.

Please note that the CMPPA, which became effective on December 31, 1989, mandates that institutions may not suspend, terminate, reduce or make a final denial of Title IV assistance or take other adverse action against an individual as a result of the information produced by this matching program, 1) unless such

individual has received a notice stating the results of the match and stating that the individual has 30 days to provide documentation to the institution to contest the results of the match and 2) until the subsequent expiration of the 30-day notice period. As a result, SAR messages (2) and (3) have been revised to advise applicants that they have a 30-day opportunity to submit documents to their institutions to support their claims of eligibility, and that the 30-day period begins on the day he or she submits a SAR containing either of these messages to the institution.

In order to avoid confusion, please note that:

- o the new law applies only to subjects of computer matching programs and, as such, pertains only to each applicant claiming noncitizen eligibility whose application is processed through the Central Processing System and for whom a computer matching record is sent to INS;
- o the law's prohibition against denials of assistance during the 30-day period applies to institutional determinations that a student is not in an eligible noncitizen status and does not apply to authorized denials for any other reason;
- o the 30-day opportunity to obtain and submit documents is a minimum requirement - institutions may, if they wish, allow applicants more than 30 days for this purpose as long as they continue to comply with regular Pell deadline dates; and
- o the institution is not required to delay a decision of eligibility if documents are received prior to the end of the 30-day period that would permit the institution to render a favorable noncitizen eligibility decision.

A fourth SAR comment appears if the INS response to Primary Confirmation exceeds the twenty-four hour period or if the computer matching program is not in service:

alization Service was not
to confirm your citizenship
status. You must submit proof of your citizenship
status to your Financial Aid Office before you can
receive Federal student financial aid."

Using the INS Form G-845

The Form G-845 is used only to certify the authenticity and identity of immigration documents attached to it and, as such, cannot be used, in and of itself, to determine an applicant's

Title IV eligibility. Applicants who have lost documents or surrendered these documents to officials of correctional institutions must bear the responsibility of obtaining copies. Institutions may, if they wish, request copies of immigration documents directly from penal institutions at the request and consent of applicants.

Interpreting the INS Form G-845

We are revising the appropriate interpretation of INS responses #3 and #4 on the Form G-845. Because of changes in INS privacy-related policies, INS will not disclose information for individuals in specific immigration categories and will mark only items #3 and/or #4 on the G-845 for these individuals. Some of these individuals are in an eligible immigration status and it is the institution's responsibility to examine each such individual's documents and make an eligibility determination without INS assistance. Please make the following changes to your copy of Letter GEN-89-13, Section 3, page 11:

This document appears valid and relates to an alien authorized employment as indicated below: [Title IV eligibility inconclusive - unless INS has checked another response box, the institution must base its eligibility decision upon an examination of the applicant's documents.]

This document appears valid and relates to an alien who has an application pending for: [Title IV eligibility inconclusive - unless INS has checked another response box, the institution must base its eligibility decision upon an examination of the applicant's documents.]


The I-688B and I-766


In November, 1989, INS began issuing the I-688B, Employment Authorization. In 1990, INS began issuing the permanent resident card. These documents are used for employment purposes. They do not depict any particular individual and are intended to replace any documents previously used for the purpose of identifying immigration status. When an I-688B or I-766 is submitted to you, please provide the following documentation.

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If you have questions or comments about the Primary or Secondary Confirmation processes, please contact your Regional Office.

Sincerely,


Roberta B. Dunn
Deputy Assistant Secretary
for Student Financial Assistance


William L. Moran
Director, Student Financial
Assistance Programs

cc: Leonard L. Haynes III
Assistant Secretary for
Postsecondary Education

Section A - to be completed by the submitting agency.

To: Immigration and Naturalization Service

6. Verification Number

7. ☐ Photocopy of Document Attached.
(If printed on both sides, attach a copy of the front and of the back.)
- ☐ Other Information Attached (Specify documents).

From: Typed or Stamped Name and Address of Submitting Agency

Attn: Status Verifier

(INS may use above address with a #10 window envelope.)

1. Alien Registration or I-94 Number

2. Applicant's Name (Last, First, Middle)

3. Nationality

4. Date of Birth (Month/Day/Year)

5. Social Security Number

8. (Benefit)	(Your Case Number)
<input type="checkbox"/> AFDC	
<input type="checkbox"/> Education Grant/Loans/Workstudy	
<input type="checkbox"/> Food Stamp	
<input type="checkbox"/> Housing Assistance	
<input type="checkbox"/> Medicaid/Medical Assistance	
<input type="checkbox"/> Unemployment Insurance	
<input type="checkbox"/> Employment Authorization	
<input type="checkbox"/> Other (specify)	

9. Name of Submitting Official

10. Title of Submitting Official

11. Date

12. Telephone Number

Section B - to be completed by INS

INS RESPONSE: From the documents or information submitted and/or a review of our records we find that:

1. ☐ This document appears valid and relates to a **Lawful Permanent Resident** alien of the United States.
2. ☐ This document appears valid and relates to a **Conditional Resident** alien of the United States.
3. ☐ This document appears valid and relates to an alien **authorized employment** as indicated below:
- a. ☐ Full-Time
- b. ☐ Part-Time
- c. ☐ No Expiration (Indefinite)
- d. ☐ Expires on _____
(specify Month/Day/Year, below)
4. ☐ This document appears valid and relates to an alien who has an application pending for _____
(specify INS benefit below)
5. ☐ This document relates to an alien having been **granted asylum/refugee** status in the United States.
6. ☐ This document appears valid and relates to an alien **paroled** into the United States pursuant to Section 212 of the I&N Act.
7. ☐ This document appears valid and relates to an alien who is a **Cuban/Haitian entrant**.
8. ☐ This document appears valid and relates to an alien who is a **conditional entrant**.
9. ☐ This document appears valid and relates to an alien who is a **nonimmigrant**
(specify type or class below)
10. ☐ This document appears valid and relates to an alien **not authorized employment** in the United States.
11. ☐ Continue to process as legal alien. INS is searching indices for further information.
12. ☐ This document is not valid because it is _____
(check all that apply)
- a. ☐ Expired
- b. ☐ Altered
- c. ☐ Counterfeit

INS Stamp

Comments

13. ☐ No determination can be made from the information submitted. Please obtain a copy of the original alien registration documentation and resubmit.
14. ☐ No determination can be made without seeing both sides of the document submitted (*please resubmit request*).
15. ☐ Copy of document is not readable (*please resubmit request*).

"PRUCOL"

For Purposes Of Determining If Alien Is Permanently Residing Under Color Of Law Only!

16. ☐ INS actively pursues the expulsion of an alien in this class/category.
17. ☐ INS is not actively pursuing the expulsion of an alien in this class/category, at this time.
18. ☐ Other

RECEIVED
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DEPARTMENT

Instructions

- Submit copies of both *front and back* of alien's original documentation.
- Make certain a *complete return address* has been entered in the "From" portion of the form.
- The Alien Registration Number ("A" Number) is the letter "A" followed by a series of (7) or (8) digits. Also in this block may be recorded the number found on Form I-94. (Check the front and back of the I-94 document and if the "A" Number appears, record that number when requesting information instead of the longer admission number as the "A" Number refers to the most integral record available.)
- If Form G-845 is submitted without copies of applicant's original documentation, it will be returned to the submitting agency without any action taken.
- Address this verification request to the local office of the Immigration and Naturalization Service.

